

Response to Election of Species Requirement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 21, 2008

Electronic Signature for Michael B. Stewart: /Michael B. Stewart/

Docket No.: 65856-0075
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul M. Fowler et al.

Application No.: 10/550,501

Confirmation No.: 9997

Filed: September 21, 2005

Art Unit: 3681

For: SYSTEM AND METHOD FOR
CONTROLLING ENGAGEMENT OF A
CLUTCH

Examiner: Not Yet Assigned

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of the Office Action dated July 21, 2008, requiring a response to an election/restriction requirement.

The Examiner indicated that the patent application contains claims directed to the following alleged patentably distinct species of the claimed invention:

Group I: Clutch Control 1, based on throttle position

Group II: Clutch Control 2, based on throttle velocity

Group III: Clutch Control 3, based on throttle acceleration

Claims 5, 7, 9, 16, 18, 19, 20, 21, 22, 24, 25, 26, and 28 are generic to all three groups. Claims 6, 15, 23, and 27 are directed to Group I. Claims 1, 3, 4, 10, 12, 13, 31, and 34 are directed to Group II. Finally, claims 30, 32, 33, and 35 are directed to Group III.

Based on our review of the claims, Applicants elect the claims of Group I, directed to Clutch Control 1, based on throttle position, with traverse. Thus, generic claims 5, 7, 9, 16, 18, 19, 20, 21, 22, 24, 25, 26, and 28 as well as claims 6, 15, 23, and 27 are selected explicitly for examination. However, it is respectfully submitted that the subject matter of all three groups is sufficiently related that a thorough search for the subject matter of one of the species would encompass a search for the subject matter of the other species, particularly given the number of generic claims. See MPEP § 803, which states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66046-0005 from which the undersigned is authorized to draw.

Dated: August 21, 2008

Respectfully submitted,

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